

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BOROUGH OF EDGEWATER,

Plaintiff,

v.

WATERSIDE CONSTRUCTION,
LLC; 38 COAH, LLC; DAIBES
BROTHERS, INC.; NORTH RIVER
MEWS ASSOCIATES, LLC; FRED A.
DAIBES; TERMS
ENVIRONMENTAL SERVICES,
INC.; ALCOA INC. (formerly known as
“Aluminum Company of America”);
ALCOA DOMESTIC LLC, as
successor in interest to A.P. NEW
JERSEY, INC.; JOHN DOES 1-100;
and ABC CORPORATIONS 1-100,

Defendants,

and

WATERSIDE CONSTRUCTION,
LLC; 38 COAH, LLC; DAIBES
BROTHERS, INC.; NORTH RIVER
MEWS ASSOCIATES, LLC; and
FRED A. DAIBES,

Defendants/Third-Party Plaintiffs,

v.

NEGLIA ENGINEERING
ASSOCIATES,

Third-Party Defendant,

Case Nos.: 2:14-CV-05060-JMV-
JBC / 2:14-CV-08129-MCA-LDW

Hon. John M. Vazquez, U.S.D.J.
Hon. James B. Clark, III, U.S.M.J.

**CERTIFICATION OF
MALORY M. PASCARELLA,
ESQ.**

and

ALCOA DOMESTIC, LLC, as
successor in interest to A.P. NEW
JERSEY, INC.,

Defendant/Third-Party Plaintiff,

v.

COUNTY OF BERGEN and RIVER
ROAD IMPROVEMENT PHASE II,
INC., and HUDSON SPA, LLC,

Third-Party Defendants.

I, **MALORY M. PASCARELLA**, hereby certify:

1. I am an attorney at law of the State of New Jersey and an associate at the law firm K&L Gates LLP, attorneys for Defendants/Third-Party Plaintiffs Arconic Inc. (f/k/a Alcoa Inc.) and Arconic Domestic, LLC's (f/k/a Alcoa Domestic, LLC as successor in interest to A.P. New Jersey, Inc.) (collectively "Arconic"). I am fully familiar with the facts and circumstances herein.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the Remedial Investigation Report/Remedial Action Workplan, Veterans Field, Edgewater, New Jersey, dated March 5, 2015, bearing Bates numbers W009630-W009631, W009644, W009657.

3. Attached hereto as Exhibit 2 is a true and correct copy of internal correspondence from J. T. Bunting, Mechanical Engineering Dept. to Mr. M. E. Brooks, dated September 17, 1956, bearing Bates numbers A 011801-A 011805.

4. Attached hereto as Exhibit 3 is a true and correct copy of correspondence to Mr. D. W. Sawyer, dated January 5, 1956, bearing Bates numbers A 011808- A 011809.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the deposition testimony of Gerard J. Beck, dated July 24, 1990.

6. Attached hereto as Exhibit 5 is a true and correct copy of the “Renaissance Square, Sampling and Analysis Program,” by Paulus, Sokolowski & Sartor, bearing Bates numbers EW 03311-EW 03418.

7. Attached hereto as Exhibit 6 is a true and correct copy of the “Renaissance Square, Assessment of Decontamination Techniques,” by Paulus, Sokolowski & Sartor, bearing Bates numbers EW 03219-EW 03310.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the deposition testimony of Kevin McKnight, Vol. III, dated November 8, 2017.

9. Attached hereto as Exhibit 8 is a true and correct copy of a letter from E.J. Dolhop III, Respondent Contact, A.P. New Jersey, and William DeStefano, Consulting Engineer, Metcalf & Eddy, Inc. to Mr. Hayder Camargo, State of New

Jersey Department of Environmental Protection and Energy, dated September 15, 1993, bearing Bates number EW 02409.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Underground Storage Tank Site Assessment Summary Report, prepared by Metalf & Eddy, Inc., dated September 1993, bearing Bates numbers EW 02221-EW 02223, EW 02432, EW 02433.

11. Attached hereto as Exhibit 10 is a true and correct copy of a letter from Mike Tompkins, Chief, Bureau of Field Operations to Mr. Ewald J. Dollhopf, dated November 7, 1994, bearing Bates number EW 06838.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the deposition testimony of Kevin McKnight, Vol. I, dated February 1, 2017.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the deposition testimony of Irving David Cohen, dated October 31, 2017.

14. Attached hereto as Exhibit 13 is a true and correct copy of a drawing of the underground storage tanks under Building 12, Bates number A003731.

15. Attached hereto as Exhibit 14 is a true and correct copy of the Memorandum of Agreement *In the Matter of The 700 River Road Site and North River Mews Associates, LLC; Aluminum Company of America (Alcoa) & A.P. New Jersey, Wholly Owned Subsidiary of Aluminum Company of America*, dated June 11, 1997, bearing Bates numbers EW 06618-EW 06624.

16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the deposition testimony of Kevin McKnight, Vol. II, dated February 2, 2017.

17. Attached hereto as Exhibit 16 is a true and correct copy of excerpts from the deposition testimony of Kevin McKnight, Vol. IV, dated November 9, 2017.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the Remedial Action Report, dated October 18, 1999, prepared by Enviro-Sciences, Inc., bearing Bates numbers ENVIRO_003249 - ENVIRO_003251, ENVIRO_003257, and ENVIRO_003265.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from the Remedial Investigation Report Remedial Action Report, by Enviro-Sciences, Inc., dated August 2002, bearing Bates numbers ENVIRO_003218 - ENVIRO_003219 and ENVIRO_003223 - ENVIRO_003224.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Amended and Restated Certificate of Formation of 28 COAH Urban Renewal Associates, L.L.C., dated August 13, 2013, bearing Bates number W077034.

21. Attached hereto as Exhibit 20 is a true and correct copy of a letter from John Gear, PG, Vice President, Hydrogeology to Ms. Kirsten Pointin-Hahn, Bureau of Case Assignment and Initial Notice, NJDEP, dated August 30, 2010, bearing Bates numbers W076333-W076335.

22. Attached hereto as Exhibit 21 is a true and correct copy of excerpts from the Site/Remedial Investigation Report, dated October 25, 2011, TERMS Environmental Services, Inc., bearing Bates numbers EW 12351- EW 12352, EW 12357.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts from the deposition testimony of Fred Daibes, dated July 14, 2017.

24. Attached hereto as Exhibit 23 is a true and correct copy of excerpts from the deposition testimony of Matthew Vereb, Vol. I, dated February 15, 2017.

25. Attached hereto as Exhibit 24 is a true and correct copy of excerpts from the deposition testimony of Kenneth E. Schiller, Jr., dated June 22, 2017.

26. Attached hereto as Exhibit 25 is a true and correct copy of excerpts from the deposition testimony of Matthew Vereb, Vol. II, dated March 24, 2017.

27. Attached hereto as Exhibit 26 is true and correct copy of Google Earth images, marked as Hoffman-75 through Hoffman-77, and a Google Earth Air Photo, marked as Hoffman-78.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: Newark, New Jersey
September 11, 2020

By: s/ Malory M Pascarella
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Inc.) and Arconic Domestic, LLC
(f/k/a Alcoa Domestic, LLC as
successor in interest to A.P. New
Jersey, Inc.)*